



**For Immediate Release**

8/23/2011

**Ponca Tribe of Nebraska Omaha clinic physician right to practice acknowledged by the State of Nebraska.**

In a letter dated August 16, 2011 the office of the Nebraska Department of Human Services (DHHS) /Division of Public Health and the State Attorney General have acknowledged that they have no jurisdiction over the licensing credentials or other qualifications of Rosa M. Huguet, M.D., Medical Director and practicing physician at the Ponca Tribe of Nebraska's Fred LeRoy Health & Wellness Center located in Omaha.

The letter further states, as the Ponca clinic falls under federal jurisdiction, the licensing of those physicians employed there falls to the federal government and not the state. The Board of Medicine and Surgery and the Nebraska Attorney General therefore consider the matter closed.

This favorable decision on behalf of the Ponca Tribe will serve to advance the intent of Congress to increase the recruitment of quality physicians at Indian health facilities and to enhance the level of care available to those served by tribal health operations. The sovereignty of the Ponca Tribe has been successfully affirmed in this case.

\*Letter is attached.

Press Contact: Marilyn Jones Wright  
Public Information Specialist, Ponca Tribe of Nebraska  
Ph: 402.734.5275 Email: [mwright@poncatrIBE-ne.org](mailto:mwright@poncatrIBE-ne.org)

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August 16, 2011

Rosa Huguet  
Fred LeRoy Health & Wellness Center  
2602 J St.  
Omaha, NE 68107

RE: Case No. 20102238

Dear Dr. Huguet:

The case referenced above has been investigated.

The Board of Medicine and Surgery and the Attorney General have reviewed the investigative reports, as required by statute.

The Board of Medicine and Surgery has declined to take action at this time for the reason that the facility where you are employed falls under federal jurisdiction, and the question of the qualification of physicians performing services under this contract at this facility falls to the federal government, not to the state.

Our office considers this matter closed. None of the investigation records, reports or files are public records.

Thank you for your cooperation with this investigation.

Sincerely,



Michael J. Grutsch, PA-C, Program Manager  
DHHS Division of Public Health  
Office of Professional and Occupational Investigations  
1033 O Street, Suite 500  
Lincoln, NE 68508  
(402) 471-0175

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

PONCA TRIBE OF NEBRASKA, a federally )  
recognized Indian nation, and ROSA M. )  
HUGUET, M.D., Medical Director of the ) Civil Action File No. 11-234  
Ponca Tribe of Nebraska, )  
 )  
Plaintiffs, )  
 )  
v. )  
 )  
JOANN ERICKSON, Administrator, Licensure )  
Unit, Nebraska Department of Health and )  
Human Services; VICKI BUMGARNER, )  
Health Licensing Coordinator, Licensure Unit, )  
Nebraska Department of Health and Human )  
Services; MICHAEL GRUTSCH, Program )  
Manager, Professions and Occupations )  
Investigations, Nebraska Department of Health )  
and Human Services, MERLE J. )  
HENKENIUS, Chairperson, Nebraska Board of )  
Medicine and Surgery; JUDITH A. SCOTT, )  
D.O., Vice-Chair, Nebraska Board of Medicine )  
and Surgery; KAREN M. HIGGINS, M.D., )  
Secretary, Nebraska Board of Medicine and )  
Surgery; MICHAEL J. BITTLES, M.D., )  
Member, Nebraska Board of Medicine and )  
Surgery; JEFFREY L. HOWORTH, Member, )  
Nebraska Board of Medicine and Surgery; )  
VONN E. ROBERTS, M.D., Member, )  
Nebraska Board of Medicine and Surgery; )  
MICHAEL A. SITORIUS, M.D., Member, )  
Nebraska Board of Medicine and Surgery; )  
CARL V. SMITH, M.D., Member, Nebraska )  
Board of Medicine and Surgery; and JON )  
BRUNING, Attorney General of Nebraska, )  
 )  
Defendants. )  
\_\_\_\_\_ )

**NOTICE OF VOLUNTARY  
DISMISSAL**

**PLEASE TAKE NOTICE** that, pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, Plaintiffs hereby voluntarily dismiss the above-captioned action without prejudice.

Defendants have notified Plaintiffs that they have determined the Fred LeRoy Health & Wellness Center operated by Plaintiff Ponca Tribe of Nebraska and where Plaintiff Rosa M. Huguet works falls under federal jurisdiction, and the question of the qualification of physicians performing services under the Tribe's 638 Contract falls to the federal government and not to the state. Consequently, Plaintiffs are satisfied that the matters raised in the Complaint have been resolved.

Defendants have neither answered Plaintiffs' Complaint nor filed a motion for summary judgment. Accordingly, this matter may be dismissed without prejudice and without an Order of the Court.

Dated: August 22, 2011.

**s/ Brad Jolly**  
NE Bar Number: 23720  
ATTORNEY FOR PLAINTIFFS  
BRAD S. JOLLY & ASSOCIATES  
15355 Gadsden Drive  
Brighton, CO 80603  
Telephone: (720) 685-7105  
Facsimile: (206) 339-7209  
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**CERTIFICATE OF SERVICE**

I hereby certify that on August 22, 2011, a true and correct copy of the foregoing **NOTICE OF VOLUNTARY DISMISSAL** was served on the following via the Court's CM/ECF electronic filing system:

John L. Jelkin, Asst. Atty. Gen.  
Office of the Attorney General  
2115 State Capitol  
Lincoln, NE 68509

In addition, on August 22, 2011, a true and correct copy of the foregoing **MOTION TO POSTPONE HEARING ON TEMPORARY RESTRAINING ORDER** was sent via electronic mail to:

Tom Stine, Assistant Attorney General  
Office of the Attorney General  
Email: Tom.Stine@nebraska.gov

**s/ Brad Jolly**  
NE Bar Number: 23720  
ATTORNEY FOR PLAINTIFFS  
BRAD S. JOLLY & ASSOCIATES  
15355 Gadsden Drive  
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